

UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

NORTH CAROLINA

UNITED STATES OF AMERICA
V.Oleksiy SOLOMONKO
a/k/a "Roman Kylymnyk"

FILED

MAY 23 2011

CRIMINAL COMPLAINT

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY MM DEP CLK

Case Number: 5:11mj1362

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my

knowledge and belief. On or about June 2, 2003 to
May 17, 2011 in Wake County, in
 (Date)
 the Eastern District of North Carolina the defendant(s),

(Track Statutory Language of Offense)

did knowingly and intentionally commit, and conspire with others, both known and unknown, to commit, offenses against the United States, that is, to make under oath and subscribe as true a false statement with respect to a material fact in an immigration application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly present any such application, affidavit, and other document which contains any such false statement and which fails to contain any reasonable basis in law and fact,

in violation of Title 18 United States Code, Section(s) 1546(a) and 371.

I further state that I am a(n) Special Agent and that this complaint is based on the
 Official Title

following facts:

See Attached Affidavit

Continued on the attached sheet and made a part of this complaint: X Yes ☐ No

 Signature of Complainant

Tony Bell
 Immigration and Customs Enforcement
 Printed Name of Complainant

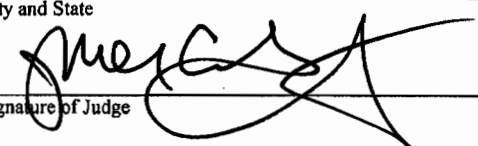
Sworn to before me and signed in my presence,

23 May 2011
 Date

at

Raleigh, North Carolina
 City and State

James E. Gates, United States Magistrate Judge
 Name and Title of Judge


 Signature of Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

AFFIDAVIT

I, Tony Bell, having been duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been a Special Agent for approximately seven years and have completed the Criminal Investigator Training Program held at the Federal Law Enforcement Training Center, Glynco, Georgia. I am currently assigned as a Special Agent to the ICE Resident Agent in Charge (RAC) Raleigh Field Office and my duties include investigating violations of Titles 8 and 18 of the United States Code, to include violations of immigration offenses, such as attempting to obtain a United States visas by fraud and attempting to obtain United States citizenship through fraud.
2. This affidavit is based upon information obtained from other law enforcement officers, by reviewing law enforcement reports and through personal involvement in the investigation. This affidavit does not set forth all of the information known to ICE, about this case, and is being submitted for the purpose of providing sufficient information to establish probable cause for a criminal complaint and an arrest warrant for Oleksiy Solomonko, also known as "Roman Kylymnyk" ("SOLOMONKO"), and Nadiya Solomonko ("NADIYA"), for committing, and conspiring to commit, fraud and misuse of visas, permits, and other documents, in violation of Title 18, United States Code, Sections 1546(a) and 371.

HISTORICAL INVESTIGATION

3. Beginning in August 2006, your affiant and ICE SA Cardwell conducted an investigation into a large scale diversity visa fraud scheme involving the Ukrainian diversity visa (DV) lottery

and a large group of Ukrainians in the Raleigh, North Carolina area. As part of this investigation, your affiant and SA Cardwell arrested multiple subjects within the Eastern District of North Carolina for visa fraud violations. Two of the main co-conspirators identified in this investigation were Peter Sandulyak and Luibomir Luchkevich. As part of this investigation, agents arrested Sandulyak and numerous other Ukrainians beginning in February 2007. While conducting this investigation agents determined that SOLOMONKO entered the United States in 1998 on a B1/B2 visa and later overstayed his visa. Your affiant determined that SOLOMONKO later left the United States in June 2003 and re-entered the United States as "Roman Kylymnyk" using a DV2 visa that he had fraudulently obtained while in the Ukraine in September 2003.

SOLOMONKO'S DIVERSITY VISA FRAUD

4. Your affiant conducted law enforcement record checks and determined that SOLOMONKO entered the United States on May 24, 1998 on a B1/B2 visa in New York, New York, and was allowed to stay in the United States until August 23, 1998.
5. Your affiant conducted law enforcement record checks and determined that SOLOMONKO obtained his original North Carolina identification card in the name of "Oleksiy Solomonko" on August 21, 1998. He then later obtained a North Carolina driver's license in the same name on April 16, 2002.
6. Your affiant conducted law enforcement record checks and determined that SOLOMONKO left the United States on June 2, 2003 in the name of "Oleksiy Solomonko".
7. On June 11, 2003, SOLOMONKO appeared at the United States Embassy in Warsaw under the assumed name of "Roman Kylymnyk" to submit supporting documentation for his DV visa application. SOLOMONKO submitted a letter of employment from Solomon & Co.,

Commercial and Residential Cleaning Services, signed by NADIYA as proof of employment once he entered the United States in support of his fraudulent DV application.

8. On July 3, 2003, SOLOMONKO obtained a DV2 visa based on his false stated marriage to Mariya Kylymnyk who was the DV1 applicant.

9. On September 4, 2003, SOLOMONKO entered the United States under the assumed name of "Roman Kylymnyk" on the fraudulently obtained DV2 visa.

10. On November 21, 2003, SOLOMONKO obtained a North Carolina driver's license under the assumed name of "Roman Kylymnyk" and used his same address that he used for the North Carolina driver's license previously obtained in his real name, that is, "Oleksiy Solomonko". Your affiant reviewed the driver's licenses photos for both of the licenses issued in the name of "Oleksiy Solomonko" and "Roman Kylymnyk" and determined that they are the same person.

11. On Sunday, July 8, 2007, your affiant and SA Cardwell located SOLOMONKO at his residence at 4540 Drewbridge Way, Raleigh, North Carolina 27604, along with his wife, NADIYA. Your affiant and SA Cardwell conducted a field interview with SOLOMONKO and NADIYA while at the residence. SOLOMONKO admitted to agents that he had in fact obtained his DV visa through fraud. NADIYA admitted to agents that she had also entered the United States on a B1/B2 visa in 1998 and that she had also overstayed her visa and that she was in the United States illegally. NADIYA admitted to agents that she and SOLOMONKO paid \$10,000 to Sandulyak and Luchevich to bring her nephew over on a fraudulently obtained DV visa.

12. SOLOMONKO admitted to agents that he was recruited by Anatoly Sitnik, his neighbor and co-conspirator with Luchevich, for SOLOMONKO to return to the Ukraine to obtain a DV visa and return to the United States. SOLOMONKO stated that he paid Anatoly Sitnik \$3,500 as a deposit on the fraudulent DV visa and that he was to pay him additional money upon returning



to the United States once he had obtained the fraudulent DV visa. SOLOMONKO and NADIYA both agreed to assist agents in the DV visa investigation and agreed to come to the ICE RAC Raleigh office the following day for further interviews and processing.

13. On Monday, July 9, 2007, SOLOMONKO and NADIYA came to the ICE RAC Raleigh office for processing and interviews. At that time, SA Cardwell conducted an interview with SOLOMONKO and NADIYA for immigration processing and seized a North Carolina driver's license in the name of "Oleksiy Solomonko", two Ukrainian passports issued in the name of "Roman Kylymnyk", a social security card, and a legal permanent resident card issued in the name of "Roman Kylymnyk". SA Cardwell also seized a Ukrainian passport from NADIYA.

NADIYA'S ARREST AND FRAUDULENT MARRIAGE

14. On June 26, 2009, NADIYA was arrested by the Raleigh Police Department for an outstanding misdemeanor arrest warrant for shoplifting. Once she was booked into the Wake County Jail, Raleigh, North Carolina, she was interviewed by an ICE officer and an ICE detainer was placed with the Wake County Jail because she was an illegal alien.

15. On June 30, 2009, NADIYA was processed by an ICE officer and put into deportation proceedings for being a B1/B2 overstay. During her processing she stated that she was married to "Alex Solomonko." NADIYA was released from ICE custody on her own recognizance awaiting further deportation proceedings.

16. On August 10, 2009, SOLOMONKO filed a motion for a divorce with his DV visa spouse Mariya Kylymnyk in Durham County, North Carolina. On September 17, 2009, a judgment for absolute divorce was issued for this divorce.

17. On December 8, 2009, NADIYA obtained a judgment for absolute divorce from SOLOMONKO due to him failing to appear for the court hearing. *NADIYA and SOLOMONKO were married to each other in their true names prior to coming to the US in 1998. TSB*

18. On December 30, 2009, NADIYA married SOLOMONKO, under the assumed name "Roman Kylymnyk", in Wake County, North Carolina.

SOLOMONKO'S DOCUMENT AND NATURALIZATION FRAUD

19. On August 3, 2009, SOLOMONKO signed and filed a Form N-400, Application for Naturalization.

20. On January 25, 2010, SOLOMONKO and his attorney went to the United States Citizenship and Immigration Services (CIS) office in Durham, North Carolina, for SOLOMONKO's naturalization interview, under the assumed name of "Roman Kylymnyk", where he affirmed his answers in Form N-400 under oath and stated that he lived at his residence, 4540 Drewbridge Way, Raleigh, North Carolina. SOLOMONKO signed Form N-400 under penalty of perjury and made multiple false statements on the application and interview for naturalization:

- a. On Part 1, Question C, SOLOMONKO stated, under the assumed name of "Roman Kylymnyk", that he had never used any other names, when in fact, as SOLOMONKO well knew, he did use his true name, that is, "Oleksiy Solomonko".
- b. On Part 9, Question B, SOLOMONKO stated, under the assumed name of "Roman Kylymnyk", that his son was "Nazar Semenuk" and that he did not know where he lived. In fact, as SOLOMONKO well knew, Nazar Semenuk is not his son but is his neighbor's son. SOLOMONKO brought Nazar Semenuk over as his son as part of the larger DV visa fraud scheme.
- c. On Part 10, Question 15, SOLOMONKO stated, under the assumed name of "Roman Kylymnyk", that he had never committed a crime or an offense for which he was not arrested. In fact SOLOMONKO had committed visa fraud in 2003 when he illegally

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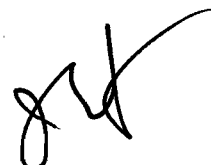


obtained a DV visa in the name of "Roman Kylymnyk" and entered the United States on that visa. SOLOMONKO continued to further commit additional visa fraud offenses every time he filed additional immigration applications using this false information.

- d. On Part 10, Question 16, SOLOMONKO stated, under the assumed name of "Roman Kylymnyk", that he had never been arrested, cited, or detained, by any law enforcement officer, when in fact he had been detained by ICE SA Cardwell on July 9, 2007, and interviewed for immigration purposes.
- e. On Part 10, Question 23, SOLOMONKO stated, under the assumed name of "Roman Kylymnyk", that he had never given false or misleading information to any United States Government official while applying for any immigration benefit. In fact, SOLOMONKO provided false and misleading information on his initial DV visa application stating that his name was "Roman Kylymnyk", on his naturalization application and interview, and on her NADIYA's Form I-130 application.
- f. On Part 10, Question 23, SOLOMONKO stated, under the assumed name of "Roman Kylymnyk", that he had never lied to any United States Government official to gain entry or admission into the United States. In fact SOLOMONKO lied to an immigration officer upon entry into the United States on his DV visa in 2003. SOLOMONKO also lied to an immigration officer while conducting the naturalization interview.

NADIYA'S VISA AND DOCUMENT FRAUD

21. Your affiant conducted law enforcement record checks and determined that NADIYA entered the United States on April 5, 1998 on a B1/B2 Visa and was allowed to remain in the United States until June 4, 1998.



EX

22. Your affiant conducted law enforcement record checks and determined that NADIYA obtained a North Carolina identification card on September 4, 1998. NADIYA later obtained a North Carolina driver's license on December 19, 2000.

23. On August 5, 2010, SOLOMONKO, under the assumed name of "Roman Kylymnyk", filed Form I-130, Petition for Alien Relative, for NADIYA. SOLOMONKO, under the assumed name of "Roman Kylymnyk", signed the I-130 under penalty of perjury that all of the information was true and correct and that he was not filing the paperwork by knowingly or willfully falsifying or concealing a material fact.

24. On August 5, 2010, NADIYA signed and filed Form G-325, Biographic Information, in support of the above Form I-130 application. In Form G-325, NADIYA stated that her current husband was "Roman Kylymnyk", when in fact, as NADIYA well knew, the individual that filed Form I-130 was SOLOMONKO and not "Roman Kylymnyk".

25. On April 19, 2011, NADIYA had an interview with Durham CIS regarding her pending I-130 application. NADIYA appeared with an attorney and re-affirmed to a CIS officer the answers contained in Form G-325. Following the interview, NADIYA's attorney stated to a CIS officer that they were going to file a Complaint for Writ of Mandamus with the court due to the delay in processing the naturalization application, Form N-400, filed on behalf of SOLOMONKO, under the assumed name of "Roman Kylymnyk".

SOLOMONKO'S FOLLOW-UP NATURALIZATION INTERVIEW

26. On April 1, 2011, SOLOMONKO, under the assumed name of "Roman Kylymnyk", signed an affidavit in support of a Complaint for Writ of Mandamus which was later filed within the Eastern District of North Carolina on April 29, 2011. A copy of this Complaint for Writ of Mandamus was received by the Durham CIS office on May 11, 2011.

27. On Tuesday, May 17, 2011, SOLOMONKO had an appointment with the Durham CIS office for a follow-up interview regarding his naturalization application, under the assumed name of "Roman Kylymnyk". SOLOMONKO was accompanied by his attorney.

28. Your affiant read SOLOMONKO his rights and he agreed to talk with agents in the presence of his attorney. SOLOMONKO admitted to agents that his true name was "Oleksiy Solomonko" and that he had previously admitted to agents that he had obtained the DV through fraud.

29. SOLOMONKO admitted to agents that he and his wife NADIYA had gotten divorces with the assistance of an attorney and that the two were remarried in his new name "Roman Kylymnyk".

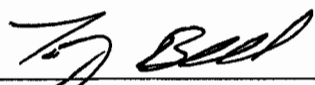
30. SOLOMONKO admitted that he completed the naturalization application Form N-400, under the assumed name of "Roman Kylymnyk", on August 3, 2009, while in the office with his attorney and that was the same day that he talked with his attorney about the divorce from his DV visa spouse, Mariya Kylymnyk.



CONCLUSION

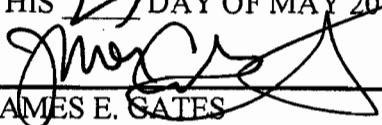
31. Based on the above information I, Tony Bell, believe there is ample probable cause to conclude that SOLOMONKO and NADIYA are in fact guilty of committing, and conspiring to commit, fraud and misuse of visas, permits, and other documents, in violation of Title 18, United States Code, Sections 1546(a) and 371, and respectfully ask that the Court issue a warrant ordering their arrest for such crime.

Further your affiant sayeth not.



Tony Bell
Special Agent
Immigration and Customs Enforcement

SUBSCRIBED TO AND SWORN TO BEFORE ME
THIS 23 DAY OF MAY 2011.



JAMES E. GATES
United States Magistrate Judge
Eastern District of North Carolina